

Proposed Amendment to the Regional Water Quality Control Plan for the Colorado River Basin Region to Prohibit the Discharge of Waste from Individual New and Existing Disposal Systems on Parcels of Less than One-Half Acre that Overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer, if a Sewer System is Available

Attachment A
Environmental Checklist
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

Amendment to the Water Quality Control Plan for the Colorado River Basin Region
to Prohibit the Discharge of Waste from Individual New and Existing Disposal Systems on Parcels of
Less than One-Half Acre that Overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer in
Riverside County, California, if a Sewer System is Available

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) is the Lead Agency responsible for evaluating potential environmental impacts of the proposed amendment to the Water Quality Control Plan (Basin Plan) for the Colorado River Basin Region. The proposed amendment (i.e., proposed project) is required by the California Water Code (CWC) § 13281 and would amend the Basin Plan to prohibit the discharge of waste into the ground from individual new and existing disposal systems on parcels less than one-half acre that overlie the Mission Creek Aquifer and Desert Hot Springs Aquifer, if a sewer system is available. Section 13281 provides that “the regional board shall prohibit the discharge of waste from existing or new individual disposal systems on parcels of less than one-half acre that overlie the Mission Creek Aquifer or the Desert Hot Springs Aquifer in Riverside County, if a sewer system is available [(subd. (b)(1)),]”, “and that the maximum number of equivalent dwelling units with individual disposal systems shall be two per acre [(subd. (b)(2)),]”, Section 13281 further provides that “a sewer system is available if a sewer system or a building connected to a sewer system, is within 200 feet of the existing or proposed dwelling unit, in accordance with Section 713.4 of the 1997 edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials [(subd. (b)(3)),]”. Finally, Section 13281, subd. (b)(4) states that “To the extent that resources are available for the purposes of this subdivision, the regional board shall achieve compliance with this subdivision on or before January 1, 2004.” The purpose of this proposed project is to protect the health and safety of residents consuming the ground water of the Upper Coachella Valley Ground Water Basin and achieve applicable water quality objectives, and protect beneficial uses. The proposed project is a ministerial task, mandated by law. Therefore, environmental impacts resulting from the prohibition are the result of enactment of CWC §13281, and not Regional Board adoption of this amendment.

Title 23, California Code of Regulations (CCR), Section 3730, provides that environmental documents are not required for ministerial projects. However, Title 23, CCR, Section 3777 requires an Environmental Checklist and written report be prepared for “any” proposed Basin Plan amendment. The written report must contain (1) a brief description of the proposed activity; (2) reasonable alternatives to the proposed activity; and (3) mitigation measures to minimize any significant adverse environmental impacts of the proposed activity. Since Section 13281 mandates the proposed project, there are no reasonable alternatives. Since there are no identified significant adverse environmental impacts, no discussion of mitigation measures is necessary. Other information is presented below.

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Project Title

Amendment to the Water Quality Control Plan (Basin Plan) for the Colorado River Basin Region to prohibit the discharge of waste from individual new and existing disposal systems on parcels of one-half acre or less that overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer in Riverside County, California, if a sewer system is available.

Lead Agency Name and Address

California Regional Water Quality Control Board, Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Contact Persons

Joan Stormo, Senior Engineering Geologist – Water Quality Policy Unit, (760) 776-8982

Project Location

Sections R3E, R4E, R5E, R6E and R7E and T2S, T3S, T4S and T5S from the U.S. Geological Survey Map, Upper Coachella Valley, CA (Southern California Area). Map attached

Project Sponsor’s Name and Address

See lead agency

General Plan Designation

Under the General Plan Designation for Desert Hot Springs City 2000, the density residential domestic units per acre are divided by low density as 0-5 dwelling units per acre; medium density as 0-8 dwelling units per acre, and high density as 0-14 dwelling units per acre, in areas situated in the project location.

Zoning

Neighborhood Residential and Mixed Residential

Project Description

The Basin Plan designates beneficial uses for ground and surface waters, establishes water quality objectives to protect beneficial uses, and outlines an implementation plan for maintaining and enhancing water quality. The current Basin Plan edited on 1994 and updated through July 15, 2003 includes narrative water quality objectives that apply to ground water and subsurface wastewater disposal systems, commonly referred to as septic systems.

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The Mission Creek Aquifer and the Desert Hot Springs Aquifer are sub-basins of the Coachella Valley Ground Water Basin. This area is vulnerable to pollution from subsurface disposal systems (i.e., septic tanks) due to the high porosity and permeability of the unconsolidated deposits characteristic of the area, and the high density of disposal systems per acre. Mission Lakes has an average density of 2.4 systems per acre, and overlies high quality potable water of the Mission Creek Aquifer, and presents a significant risk to ground water from septic system waste discharge.

The proposed project is a Basin Plan amendment that protects the quality and beneficial uses of ground water in the Upper Coachella Valley by prohibiting waste discharge into the ground from new and existing individual disposal systems on parcels of less than one-half acre that overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer as required by CWC § 13281.

Surrounding Land Uses and Setting

The subject Basin Plan is applicable to the Colorado River Basin Region of California, as set forth in CWC, Division 7, Section 13200(i). The Mission Creek sub-basin area is the main source of domestic water for the city of Desert Hot Springs, and the communities of North Palm Springs, West Palm Springs, Desert Crest, West Garnet, Painted Hills and Mission Lakes, and is within the Colorado River Basin Region. The proposed project will affect residential and commercial properties in locations listed above.

Other Public Agencies Whose Approval Is Required (e.g., for permits, financing approval, participation agreement)

None

Environmental Factors Potentially Affected

- | | | |
|----------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation and Traffic |

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Utilities and Service Systems

Mandatory Findings of Significance

Proposed Amendment to the Regional Water Quality Control Plan for the Colorado River Basin Region to Prohibit the Discharge of Waste from Individual New and Existing Disposal Systems on Parcels of Less than One-Half Acre that Overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer, if a Sewer System is Available

ENVIRONMENTAL CHECKLIST SUMMARY

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
1. <u>AESTHETICS</u> – Would the project:				
a) Have any substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. <u>AGRICULTURE RESOURCES</u> -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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3. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. BIOLOGICAL RESOURCES -- Would the project:

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

5. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

6. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

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- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

7. HAZARDS AND HAZARDOUS MATERIALS --

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

8. HYDROLOGY AND WATER QUALITY -- Would the project:

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support the existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

9. LAND USE AND PLANNING -- Would the project:

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

10. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

11. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

12. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

13. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

14. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

15. TRANSPORTATION AND TRAFFIC -- Would the project:

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

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- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

16. UTILITIES AND SERVICE SYSTEMS -- Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

17. MANDATORY FINDINGS OF SIGNIFICANCE

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- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)?
- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

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DETERMINATION

On the basis of this initial evaluation:

 X I find that the proposed Basin Plan amendment could not have a significant effect on the environment. Any foreseeable environmental impacts from the septic prohibition result from the enactment of CWC Section 13281 and not from the proposed Basin Plan amendment, which is a ministerial project exempt from CEQA.

 I find that the proposed Basin Plan amendment may have a significant adverse effect on the environment. However, there are feasible alternatives and/or feasible mitigation measures that would substantially lessen any significant adverse impact. These alternatives are discussed in the attached written report.

 I find that the proposed Basin Plan amendment may have a significant adverse effect on the environment. There are no feasible alternatives and/or mitigation measures available which would substantially lessen any significant adverse impacts. See attached written report for a discussion of this determination.

PHIL GRUENBERG
Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region

 1/22/04
Date

Proposed Amendment to the Regional Water Quality Control Plan for the Colorado River Basin Region to Prohibit the Discharge of Waste from Individual New and Existing Disposal Systems on Parcels of Less than One-Half Acre that Overlie the Mission Creek Aquifer or Desert Hot Springs Aquifer, if a Sewer System is Available

ENVIRONMENTAL CHECKLIST DISCUSSION

As discussed above, the proposed project is a ministerial project mandated by CWC Section 13281. Potential environmental impacts, if any, result from the enactment of Section 13281. Since Section 13281 mandates the proposed project, there are no reasonable alternatives. Since there are no identified significant adverse environmental impacts, no discussion of mitigation measures is necessary. Environmental impacts of sanitary sewer construction will be studied by the lead agency for that project.